

**PLANNING COMMISSION MINUTES OF FEBRUARY 27, 2006**

**2004-0169 - Study Issue** – Study Issue to consider amending Title 19 of the Sunnyvale Municipal Code to allow opportunities for service uses in the City. (Negative Declaration) AM

**Andy Miner**, Principal Planner, presented the staff report. He stated that staff recommends that the code and uses be clarified by accepting the existing C-4 zone designation as the appropriate district and then to consider rezoning areas for service use areas. Staff recommends the implementation would be in two phases with Phase 1 being to accept the zoning policy and identify some areas that should be service areas. Phase 2 would be to rezone properties. Mr. Miner referred to Attachment E and said that the Attachment shows the code revisions, a new zoning table, what the existing and the proposed C-4 type uses are and what the process would be for use within a C-4 zoning district. Mr. Miner added that Attachment F shows the existing code with strike-outs to better show what is being recommended for amendment.

**Comm. Babcock** referred to page 3 of Attachment B of the report and asked what the current zoning is of the L-shaped section on the map that surrounds San Lazaro Avenue and if that land has one owner. Mr. Miner said it is all under one ownership and is zoned M-S. **Trudi Ryan**, Planning Officer, said that this land is occupied by one large building and is a Research and Development site. Comm. Babcock asked if staff was concerned about having a “pocket” in this area zoned for industry. Mr. Miner said no. Comm. Babcock referred to the west section on the same map on Commercial Street and asked about the large parcel that is owned by the City. She noted that the report indicates that “Storage or parking of commercial, industrial or public utility vehicles” is not permitted in any of the commercial zones (C-1, C-2, C-3 or C-4) and asked how this City lot would be affected. Ms. Ryan said that City tries to honor the zoning regulations. Comm. Babcock and staff discussed that it is good to consider whether or not public service buildings should be a permitted use in the commercial service zoning district.

**Comm. Klein** asked what criteria was used for selecting these four areas to be considered for C-4. Mr. Miner explained that staff purposely did not want the service uses to be along El Camino Real or in areas where the service use area would be too small. He said they identified areas that had a larger concentration of the types of uses and properties and there are already existing uses there. He said that staff tried to select logical areas that would not have a lot of non-conforming uses or require service uses to come to the area after it is rezoned. Comm. Klein said the majority of the areas proposed in the report are not already C-4. He said there are a lot of areas in Sunnyvale that are not C-4, and could easily fall under the C-4 zoning umbrella. Mr. Miner agreed that there are

definitely other areas that could be considered for the C-4 zoning, but that the areas listed in the report are staff's suggestions. Comm. Klein asked if staff's intention on Alternative 1. was to focus on the four recommended areas or to include additional areas. Mr. Miner said staff's focus was to concentrate on the four suggested areas.

**Ms. Ryan** commented that she looked at the zoning definitions and the corporation yard best fits the "public utilities service center" definition, which is not listed in any of the commercial zoning districts. She said she would not recommend including the public utilities service centers in the C-1, C-2 or C-3 zoning districts, but could include it in the C-4.

**Comm. Sulser** asked staff to point out on the zoning map where other C-4 zoned areas are. Ms. Ryan pointed out the few additional C-4 areas located in the City including one area that has residential uses. She said she would encourage the Planning Commission to consider rezoning this C-4 area to a more appropriate residential zoning. Comm. Sulser asked, of the areas that staff is recommending be rezoned to C-4, how many non-conforming sites would result from the rezone. Ms. Ryan said that the rezone study that is part of staff's recommendation would determine that type of information. Comm. Sulser confirmed with staff that massage parlors are permitted in all zoning districts except residential. **Rebecca Moon**, Assistant City Attorney, added that though massage parlors are allowed, Sunnyvale has a strict ordinance that governs the licensing of massage establishments.

**Chair Hungerford** said that he understands that the philosophy behind the proposal is to preserve the existing service uses and to counteract the pressures on the service use areas. He confirmed with staff that one of the ways to preserve these areas is through the zoning requirements which tighten what uses are allowed in the zones and encourage the service uses to occur in the designated areas. Chair Hungerford and staff discussed that another tool used to encourage the retention of the service areas is by maintaining a low floor area ratio (FAR).

**Chair Hungerford opened the public hearing.**

**Harriet Rowe**, a Sunnyvale resident, referred to page 9 of the report regarding service uses tendency to occupy smaller spaces and the recommendation to place an FAR of 35%. She suggested that maybe the City should encourage property owners in the service use areas to have two-stories and mixed-uses, i.e. businesses on the first floor and residents on the second floor. She also suggested that these buildings could be condominium style so they could be owned. Comm. Simons discussed with Ms. Rowe the mixed-use idea and the possibility of suggesting a percentage of service use areas that could be mixed-use. Ms. Rowe said she would like to see flexibility in zoning so services and residences, could be considered in the same zoning. Comm. Simons said to

staff that he understands that the intent of the document is to control service uses with as minimal zoning changes as possible without requiring a lot of land being zoned for a particular use. Mr. Miner said yes that staff has tried to approach this study to make it as straight forward or simple a process as possible. Mr. Miner addressed the mixed-use issue and said service uses tend to be uses that would not mix well with residential. Comm. Simons further discussed mixed-uses with staff. Ms. Ryan said that it is a policy decision whether to encourage mixed-use. She added that the C-4 zoning district includes a two-story maximum. She noted that the staff recommendation is to protect both residents and businesses. Mr. Miner added that condominiums allowing ownership are not prohibited. Comm. Simons asked if there was any relationship between FAR and the likelihood of owned versus leased. Ms. Ryan said no.

**Comm. Babcock** commented to staff that if residential were allowed on the upper floors that it would seem to defeat the purpose of this study to protect certain industries. Mr. Miner said that the report does not include residential for that reason.

**Chair Hungerford closed the public hearing.**

**Comm. Babcock moved for the staff recommendation (Alternative 1.)**  
**Comm. Klein seconded.**

**Comm. Babcock** commented that this recommendation is directing a study of the rezoning and that there will be an opportunity to take a closer look at the issues. She said that she appreciates the public comments to include residential, but feels it would defeat the purpose of the study to protect certain service uses.

**Comm. Klein** said initially he had worries about other areas of the City that he felt also needed to be protected that were not included in this study. He said that the four areas staff has selected make sense. He said his only suggestion is that going forward that staff might look for ways to protect other areas in the City where service uses are already in place. He said this recommendation is a good step forward from the study issue.

**Ms. Ryan** asked Comm. Babcock if she intended to include her earlier question about public utility service centers. Comm. Babcock said yes she wanted study to include public utility service centers. Ms. Ryan said that she would recommend that the motion include that **“Public utility service centers are not permitted in C-1, C-2 or C-3 Zoning Districts, but are permitted, with a Use Permit, in C-4.” This is a clarification to Exhibit F.** **Comm. Babcock said yes.** Ms. Ryan said that the zoning code would be changed and the property owners would know exactly what new zoning would be applied to their property if it were changed to C-4.

**Chair Hungerford** referred to the second C-4 district, which is really residential, and asked staff if this area would be something that would be looked at in Phase II. Ms. Ryan said yes that this area would be looked at for rezoning to residential.

**Comm. Simons** asked for a minor modification to the motion that, excluding residential, would include intensification as appropriate for services that would allow for improvement of the district without restricting the value. Comm. Babcock said that she thinks this is already included. The Commissioners and staff further discussed whether the modification should be included in the motion. Ms. Ryan said it is staff's opinion to not build in the encouragement for intensification. She said redevelopment is good, but redevelopment at the lower intensity. Comm. Babcock did not accept the Friendly Amendment. Comm. Simons commented that hopefully staff will look at the potential for wider uses for the C-4 district at higher intensive levels that would allow other uses on different levels that would be an additional improvement that would allow for more vibrant service uses.

**Final Action:**

**Comm. Babcock made a motion on 2005-0169 to follow staff recommendation with a modification to include the wording "Public utility service centers are not permitted in C-1, C-2 or C-3 Zoning Districts, but are permitted, with a Use Permit, in C-4." Comm. Klein seconded.**

**Motion carried unanimously 5-0, Vice Chair Fussell absent.**

**This item is scheduled to be heard by the City Council on March 21, 2006.**